

WILLIAM J. JONES,)	
)	
Petitioner,)	
)	
v.)	No. 4:10CV1331 DDN
)	
CHRIS KOSTER,)	
)	
Respondent.)	

This matter is before the Court on petitioner’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Because “it plainly appears from the petition . . . that the petitioner is not entitled to relief,” the Court will dismiss the petition. Rule 4 of the Rules Governing § 2254 Cases.


Before federal habeas relief can be granted, a person in state custody is required to exhaust available state remedies. 28 U.S.C. § 2254(b)(1). In this case, petitioner states that he has not yet been convicted or sentenced. A writ of habeas corpus under § 2254 cannot be brought until petitioner has received a judgment from the state court and then exhausted all of his state court remedies to either appeal the judgment or seek to have it overturned. See 28 U.S.C. § 2254. Thus, at the present time, petitioner has no remedy under § 2254. As a result, the instant habeas petition shall be dismissed without prejudice.

Accordingly,

IT IS HEREBY ORDERED that petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED** without prejudice.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

Dated this 29th day of July, 2010.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE